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H.R. 3584, Transportation Security Administration Reform and Improvement Act of 2015

FLOOR SITUATION

On Tuesday, February 23, 2016, the House will consider [H.R. 3584](#), the Transportation Security Administration Reform and Improvement Act of 2015, under suspension of the rules. H.R. 3584 was introduced on September 22, 2015 by Rep. John Katko (R-NY), and was referred to the Committee on Homeland Security, which ordered the bill reported, by voice vote, on January 12, 2016.

SUMMARY

H.R. 3584 authorizes, streamlines, and identifies efficiencies within the Transportation Security Administration (TSA). Specifically the bill:¹

- Authorizes the TSA PreCheck program to provide expedited screening for low-risk passengers;
- Directs TSA to conduct a pilot program for a secure, automated, biometric-based system at airports to verify the identity of passengers who are members of TSA PreCheck, assess average wait times, and incorporate existing watchlist information;
- Enhances TSA's Secure Flight Program, through which TSA compares air passengers' names to lists of trusted travelers and watchlists to identify low and high-risk passengers. Specifically the bill requires conducting regular evaluations of screening errors and their root causes, documenting the number and causes of matching errors, providing job training for Secure Flight staff, and ensuring effective oversight of privacy controls is in place;
- Requires TSA to conduct an agency-wide efficiency review to identify spending reductions and administrative savings;

¹ See [House Report 114-396](#) at 22-26.

- Requires the Administrator, in coordination with the Assistant Secretary for Policy of the Department, to request additional access to data from the Terrorist Identities Datamart Environment to improve the vetting of aviation workers;
- Directs the Administrator to conduct a pilot program to evaluate the use and effectiveness of privately-operated explosives detection canine teams to supplement existing capabilities;
- Requires TSA to conduct regular covert testing annually of airport security checkpoints to identify weaknesses and vulnerabilities;
- Directs GAO to report on the efficiency and effectiveness of the Surface Transportation Security Inspectors Program; and,
- Requires the Administrator to conduct a feasibility assessment of establishing a partnership with an independent, not-for-profit organization to help provide venture capital to businesses for commercialization of innovative homeland security technologies that are expected to be ready for commercialization within three years.

BACKGROUND

The Transportation Security Administration (TSA) was created to “strengthen the security of the nation’s transportation systems and ensure the free movement for people and commerce.”² TSA seeks to provide the “most effective transportation security in the most efficient way as a high performing counterterrorism organization.”³

TSA PreCheck began in October 2011, and was designed to expedite security screening processes for low-risk passengers. The program is available at no cost to U.S. citizens designated as select frequent flyers of certain airlines, and to U.S. and Canadian citizens who are paid members of Custom and Border Protection’s trusted traveler programs, including Global Entry, SENTRI, and NEXUS. In addition, eligible travelers not in any of these categories may directly apply at a TSA enrollment center to join PreCheck, for a fee.⁴

In 2013, TSA began applying Risk Assessment rules used in the Secure Flight Program to identify and increase the percentage of passengers eligible for expedited screening. According to the Committee, passengers going through Risk Assessment are not subject to a criminal background check and are not required to undergo screening by passenger screening canine teams or explosives trace detection technology. This legislation restricts the use of alternate methods of diverting passengers into PreCheck, unless the agency can demonstrate that such methods have been tested and proven to be effective security tools.⁵

In addition, it was discovered that TSA’s multi-layered process to vet aviation workers for potential links to terrorism had inefficiencies. In 2015, the Department of Homeland Security’ Office of

² See <https://www.tsa.gov/about>

³ Id.

⁴ See CRS Report “[Risk-Based Approaches to Airline Passenger Screening](#)” at 13.

⁵ See [House Report 114-396](#) at 13.

Inspector General (OIG) found that 73 aviation workers had ties to terrorism and were given access to secure areas.⁶ This legislation codifies recommendations made by the report OIG's report.

Finally, H.R. 3584 includes provisions from [H.R. 2127](#), [H.R. 2750](#), [H.R. 2770](#), and [H.R. 2843](#).

COST

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3584 would cost \$21 million over the 2016-2020 period, assuming appropriation of the necessary amounts. Enacting H.R. 3584 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO further estimates that implementing H.R. 3584 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) on airport authorities that issue badges to people authorized to work at airports. CBO estimates that the cost to both public and private airports of complying with the mandate would be small and well below annual thresholds established in UMRA.

STAFF CONTACT

For questions or further information please contact [Jake Vreeburg](#) with the House Republican Policy Committee by email or at 3-1555.

⁶ See [DHS OIG Report-15-98](#) at 2.